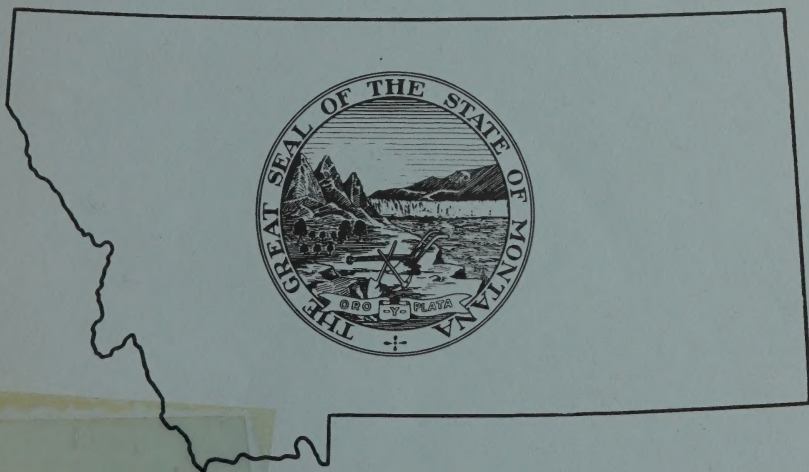


KFM An Introduction to the Montana Legislative  
9421.5 Council and Legislative fiscal review  
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LEGISLATIVE COUNCIL  
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# THE MONTANA LEGISLATIVE COUNCIL and LEGISLATIVE FISCAL REVIEW COMMITTEE



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1969-1970



MONTANA LEGISLATIVE COUNCIL

SENATE MEMBERS

Frank W. Hazelbaker,  
Chairman  
LeRoy Anderson,  
Secretary  
Mills Folsom  
P. J. Keenan  
Herbert J. Klindt  
David F. James

HOUSE MEMBERS

Francis Bardanouve,  
Vice Chairman  
Matt A. Himsl  
Harold McGrath  
Miles Romney  
Scott B. Stratton  
Hubert E. Woodard

\* \* \*

Donald L. Sorte,  
Executive Director

State Capitol  
Helena

HISTORY AND BACKGROUND

The Montana Legislative Council was created by the Legislative Assembly in 1957. It is a permanent agency of the legislative branch of state government established to give between-sessions study to selected problems confronting the legislature, and to perform other services which facilitate the legislative process.

The Montana Legislature meets for only sixty days during every two year period. During this time each senator and representative is called upon to study several hundred bills on a wide variety of subjects, including appropriations involving hundreds of millions of dollars for state agencies and institutions. Time is short and some assistance is needed if a legislator is to perform his duty efficiently.

In this century state government has not only grown bigger; it has become incredibly complex. A widening spectrum of problems -- education, taxation, government organization, industrial expansion, resource development, and many others -- are challenging the ingenuity of state legislatures. Yet, the declining power and prestige of state legislatures during recent history has made serious inroads on the division of powers and coordinate character of the three branches of government.

The Book of the States suggested that legislative councils and other legislative service agencies "have been occasioned largely by the increasing number and complexity of the problems confronting our legislatures and by the mounting cost of government. They have become necessary means of enabling the law-making bodies to carry out their responsibilities as a coordinate branch of government, especially since our state legislators typically must divide their time between legislative duties and their customary employment. . . ." The spread of the legislative council idea is characterized in this publication as "the most significant development in the legislative service field during the past thirty years." More than forty states have established legislative councils or council-type agencies.



## PURPOSES AND PROGRAMS

The Legislative Council is charged by law with the responsibility to compile, analyze and furnish to the legislature "such information bearing upon any matters relating to existing or prospective legislation as may be determined by it upon its own initiative pertaining to important issues of policy and questions of statewide importance . . . ." The Council is also to present to the legislature "such bills and resolutions as in its opinion the welfare of the state may require . . . ." Other provisions of the act creating the Legislative Council give it authority to investigate and to examine and inspect the records of any agency or institution of state government. The Council also has authority to hold hearings, administer oaths and issue subpoenas.

Under this broad grant of statutory authority the operation of the Legislative Council has gradually evolved into two distinct programs.

### Legislative Research

During each interim the Council undertakes a number of major research projects. Usually these studies are assigned by a joint resolution approved during the previous legislative session, although the Council may undertake studies on its own initiative. In conducting interim research the Council does not purport to act for the legislature; its only function is to detect important problems of state government, and submit factual material, conclusions and recommendations for the consideration of the legislature.

The research methods of the Council vary with the nature of the study. In a study of major importance the Council has followed the practice of appointing a subcommittee which assumes primary responsibility of directing staff research. Subcommittees submit their findings, recommendations, and any necessary legislation to the full Council which may reject, amend or accept the reports. All subcommittee reports adopted by the Council are published before the legislative session.

Although the Council staff performs most of the interim research, it does not operate in a vacuum. An important feature of major studies conducted by the Council is the active participation of legislators, advisory groups, and subject matter experts in the successive stages of problem definition, research, and analysis of findings. The formulation of conclusions and recommendations is the exclusive responsibility of legislators serving on the various Council subcommittees.

Since its creation the Council has issued the following major research publications:

#### 1957-58 Interim

Legislative Handbook  
Report No. 1 - Montana State Prison  
The Administration of Higher Education in Montana  
(By G. Homer Durham)  
General Report No. 1

1959-60 Interim

The State Government of Montana (Organization Chart)  
Report No. 2 - Legislative Procedures  
Report No. 3 - The Organization and Administration of  
State Government  
Report No. 4 - State Lands and Investments  
Report No. 5 - Higher Education  
Report No. 6 - Property Taxation in Montana  
General Report No. 2

1961-62 Interim

\*Bill Drafting Manual for the Montana Legislative Assembly  
\*Report No. 7 - Executive Reorganization  
\*Report No. 8 - Fiscal Control  
\*Report No. 9 - State Treasury Fund Structure

1963-64 Interim

The State Government of Montana (Organization Chart)  
\*Report No. 10 - Legislative Rules  
\*Report No. 11 - Public Official and Employee Bonds --  
Fees Collected by State Agencies  
\*Report No. 12 - Personnel Management  
\*Report No. 13 - Administration of State Liquor Monopoly  
\*Report No. 14 - Investment of Public Funds  
\*Report No. 15 - Revision of Laws for the Department of  
Public Institutions  
Report No. 16 - Property Taxation and the Montana Property  
Classification Law

1965-66 Interim

\*Report No. 17 - Legislative Fiscal Analysis  
\*Report No. 18 - Revision of Public Health Laws --  
Revision of Fire Protection Laws  
\*Report No. 19 - Professional and Occupational Licensing Boards  
\*Report No. 20 - Revision of Laws for Public Schools  
\*Report No. 21 - Conservancy Districts  
Report No. 22 - Retirement Systems for Policemen and Firemen  
\*Report No. 23 - Montana Taxation

1967-68 Interim

\*The State Government of Montana (Organization Chart)  
\*Report No. 24 - Building Standards -- Election Laws  
\*Report No. 25 - The Montana Constitution  
\*Report No. 26 - Montana Corporation License Tax  
\*Report No. 27 - State Printing  
\*Report No. 28 - Vocational Education

Copies of reports marked with an asterisk may be obtained without  
charge from the Council offices in Helena.



Studies assigned by the 1969 legislative assembly direct the Council to:

(1) Conduct a study of the organization, procedures, and operation of the railroad commission, ex officio public service commission, and include in that study comparative data on rate making in other states as directed by Senate Joint Resolution No. 2.

(2) Conduct a study of the feasibility and desirability of establishing a self-insurance fund for state-owned property as requested by Senate Joint Resolution No. 26.

(3) Expand the Council study of taxation conducted during the 1965-66 interim and the study of the Montana corporation license tax conducted during the 1967-68 interim including in this expanded study data covering a period of several years for each tax, data on all aspects of the taxation of corporations in the state, and conclusions regarding the equity of the present tax structure together with any recommendations necessary to make taxation more equitable as requested by Senate Joint Resolution No. 5. The resolution also requests the Council to expand its study of property taxation conducted during the 1959-60 interim and its study of property taxation and the Montana property classification law conducted during the 1963-64 interim with particular emphasis on the appraisal and assessment of properties and the functioning of the property classification law. Within the area of taxation, the Council was further asked to include in its study of taxation alternative means of taxing corporations as requested by Senate Resolution No. 31 and conclusions on whether mineral rights should revert to a land owner if a lessee fails to pay taxes for a period of time as requested by Senate Resolution No. 10.

(4) Conduct a detailed study of the statutes granting quasi-legislative and quasi-judicial powers to state administrative agencies to determine if it would be feasible and desirable to adopt a uniform administrative procedure act as requested by Senate Joint Resolution No. 12.

(5) Conduct a comprehensive study of statutes affecting local government including the availability, quality, cost, and revenue base of local government services and controls in Montana and local governmental problems arising from decreasing population in some areas, increasing population in other areas, and the movement of people into suburban areas as requested by House Resolution No. 2.

(6) Recodify laws pertaining to public schools contained in Title 75 of the Revised Codes of Montana 1947 and revise laws pertaining to the Montana University System as requested by Senate Joint Resolution No. 4.

(7) Study the need for regulating the sale and use of pesticides to protect the consumer and also determine the feasibility of a single state supported laboratory for the detection of pesticides and other adulterants as requested by House Resolution No. 18 and Senate Resolution No. 26.

In addition to these specific studies, the Council was asked to prepare a bill for a Viet Nam veterans' honorarium as requested by House Joint Resolution No. 11, follow water allocations for development of coal

resources of the state as requested by Senate Joint Resolution No. 18, assist the Governor's Council on Natural Resources in determining whether a state park should be established at the Smith River Canyon as requested by House Joint Resolution No. 12, cooperate with the Superintendent of Public Instruction in a study of shared services for local school districts as requested by House Joint Resolution No. 29, and cooperate with the Governor in a study of the reorganization of state government as requested by Senate Joint Resolution No. 21.

### Legislative Services

Equally important as the major research projects undertaken during the interim, are staff services to individual legislators. Although the professional staff is employed by, and operates under, the general direction of the Council, the services offered to individual legislators are completely independent of any supervision by Council members.

The Committee on Organization of Legislative Services of the National Legislative Conference concluded that "... to deal intelligently with the many complex problems and issues which come before them, our state legislatures must be equipped with strong, highly qualified staffs. Only thus can the lawmakers obtain the relevant facts which they need; only thus can they undertake studies and conduct inquiries into pressing social and economic problems; only thus can they formulate programs and enact sound legislation. In no other way, given the complex setting of the mid-twentieth century, can our legislatures retain status coordinate with the executive and judicial branches of state government . . . ."

On request, the staff will prepare impartial factual reports on various topics of interest to any member of the legislature. Such requests often ask for detailed information on the operation of a particular state agency, and sometimes involve gathering comparative information on what other states are doing on a particular subject. All requests by legislators for "spot research" work of this nature, and the responses to such requests, are kept strictly confidential.

As an aid in performing such research, a legislative reference library containing thousands of books, pamphlets, and reports relating to the operation of state government is maintained in the Council offices. Through exchange agreements, reports are received from other legislative service agencies and from about one hundred research organizations -- both private and those associated with universities. Listings of major studies underway and recent publications on government problems are received regularly from the federal government, states, and private organizations. The Council also subscribes to a number of periodicals. From these sources, it is often possible to answer immediately legislators' questions on such subjects as business, agriculture, taxation, education, and many others. If not, the extensive collection of bibliographies often indicates that the information can be obtained from other libraries through loan agreements.

Another important and popular staff service to individual legislators is the Council's bill drafting service. The Council staff, within limitations of time and personnel, drafts bills on any subject for any member of the



legislature. During the two months preceding the legislative session and during the eighteen-day period of introduction of bills, the entire Council staff devotes most of its time to drafting of legislation requested by individual members. Since the bill drafting service was inaugurated in 1959, the Council staff has drafted more than two thousand bills at the request of individual legislators. During the 1969 session, more than 600 bills were drafted by the Council staff.

## MEMBERSHIP AND COMMITTEES

The Legislative Council consists of six members of the House of Representatives appointed by the Speaker, and six members of the Senate appointed by the Committee on Committees. The law requires that no more than three members of each house be of the same political party, so the membership of the Council is always strictly bi-partisan. Membership on the Council ends with the termination of each member's term of office or on December 31 of the year following the year in which the appointment was made, whichever first occurs. A vacancy occurring on the Council when the legislature is not in session is filled by the remaining members of the Council. Members serve without pay, attending Council or subcommittee meetings.

The law creating the Council provides that it shall elect one of its members as chairman and such other officers as may be desirable. The Council is also empowered to appoint special committees composed of other legislators, or private citizens, or both, to study and inquire into any specific governmental problems. To secure the advice of as many legislators as possible, the Council has traditionally arranged for the appointment of non-council member legislators to its subcommittees. To conduct the eight studies assigned to it by the legislature during the current interim, eight subcommittees comprised of sixty members of the legislature have been appointed.

The Council also utilizes the services of faculty members of the University system and officers and employees of other state agencies.

The following subcommittees have been created by the 1969-70 Council:

### Railroad Commission

Sen. Herbert J. Klindt,  
Chairman  
Rep. Miles Romney,  
Vice Chairman  
Sen. Gordon E. Bollinger  
Sen. B. J. Goodheart  
Sen. John C. Sheehy  
Rep. Robert E. Glennen  
Rep. B. J. Jordan  
Rep. Robert L. Marks

### Property Taxation

Rep. Matt A. Himsl,  
Chairman  
Sen. Stanley R. Nees,  
Vice Chairman  
Sen. Ben S. Brownfield  
Sen. P. J. Gilfeather  
Rep. J. O. Asbjornson  
Rep. James H. Burnett  
Rep. William E. Spahr  
Rep. Robert D. Watt



Water Development and Self-Insurance Fund

Rep. Francis Bardanouve,  
Chairman  
Sen. Dave M. Manning,  
Vice-Chairman  
Sen. Gordon McGowan  
Sen. Edward N. Sparks  
Sen. C. R. Thiessen  
Rep. Vic East  
Rep. G. C. Feda  
Rep. Allen C. Kolstad

Local Government

Sen. P. J. Keenan,  
Chairman  
Rep. Scott B. Stratton,  
Vice-Chairman  
Sen. G. W. Deschamps  
Sen. Stanley G. Stephens  
Rep. Hershel M. Robbins  
Rep. John W. Steele  
Rep. William H. Zimmer  
Rep. Jeffrey J. Scott

School Law

Sen. David F. James,  
Chairman  
Sen. Antoinette F. Rosell,  
Vice-Chairman  
Sen. Neil J. Lynch  
Sen. William L. Mathers  
Rep. Joe W. Brand  
Rep. William R. Campbell  
Rep. James E. Murphy  
Rep. William S. Warfield, IV

Income Tax

Sen. LeRoy Anderson,  
Chairman  
Rep. Harold McGrath,  
Vice-Chairman  
Sen. Archie M. Cochrane  
Sen. John J. Lyon  
Sen. Joseph B. Reber  
Sen. Glen T. Rugg  
Rep. Larry W. Fasbender  
Rep. Paul K. Harlow

Pesticide

Rep. Hubert E. Woodard,  
Chairman  
Sen. Carroll A. Graham,  
Vice-Chairman  
Sen. W. F. Bennett  
Sen. Harry B. Mitchell  
Sen. Tom A. Selstad  
Rep. Nels Hemstad  
Rep. Albert C. Newby  
Rep. Leland Schoonover

Administrative Procedures Act

Sen. Mills Folsom,  
Chairman  
Sen. Jean A. Turnage,  
Vice-Chairman  
Rep. Lester H. Loble, II  
Rep. Ray J. Wayrynen

RULES OF PROCEDURE

The Council is empowered by law to adopt rules of procedure and make all arrangements for its meetings. Complete minutes are maintained and are open to inspection by any member of the legislature. The following rules have been adopted by the Council:

RULES OF PROCEDURE  
1969-1970

RULE I

Regular meetings of the legislative council shall be held on the

third Monday of each month at 10:00 A.M. in the Capitol Building, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the chairman on at least ten (10) days notice to the members. Subcommittee meetings may be called at any time convenient to the subcommittee members and on call of the subcommittee chairman.

#### RULE II

All meetings of the legislative council, or any subcommittee thereof, shall be conducted under the established rules of the senate of the state of Montana as to quorums and parliamentary procedure as applicable.

#### RULE III

Special committees or subcommittees shall be established by appointment of the chairman of the council by and with the approval of the majority of the council present and voting at any regular or special meeting. Membership of all committees shall be of an equal number of both political parties. All subcommittees shall be chaired by a member of the council. Any study or project adopted by the council which requires the expenditure of council funds, shall be under the jurisdiction and control of the council. Any task force, study group, or consultant designated to serve with or under a subcommittee or the council on any project, shall be subject to all legislative council rules. Any member of a subcommittee of the Legislative Council that misses two consecutive meetings may be relieved of his duties.

#### RULE IV

Subjects studied may be presented by a member of the legislative assembly in writing on the prescribed form. Joint resolutions of the Montana legislative assembly and simple resolutions adopted by a joint committee of the legislative assembly shall have priority over all other proposals.

#### RULE V

Subject matter to be studied shall become a mandate of council action upon adoption by nine members of the council. Final recommendations to the legislative assembly shall be with the approval of not less than nine members of the council.

#### RULE VI

The council staff shall assist individual members of the legislative assembly on request by compiling and analyzing material relating to state government. Such research may not exceed two man-days of work without the consent of the council. This limitation shall not apply to the council's bill drafting service during and immediately preceding a legislative session.

#### RULE VII

Subject to the approval of the council, the executive director may engage necessary stenographic, clerical and other assistance for the operation



of the council and its committees.

#### RULE VIII

The minutes of all regular and special meetings shall be mailed to each member of the council as soon as possible after each meeting.

#### RULE IX

A subcommittee shall make a progress report on all matters referred to it not later than the next monthly meeting of the council. In case a subcommittee report presents the final recommendation of the subcommittee on any proposal, such proposal shall then be considered by the entire council. When a subcommittee reports progress, the chairman or member thereof may read or explain the report, and the council may immediately consider the information, facts, and opinions presented in the report and may instruct the committee regarding its further consideration of the proposal. Progress reports shall be of such a nature as to inform other members of the council of the problems involved and the possible solutions which might be considered.

#### RULE X

Claims and requisitions up to \$100, and payrolls, may be approved by the executive director; all other claims and requisitions must be approved by the chairman of the council.

#### RULE XI

All meetings shall be open to the public except when in executive session.

#### RULE XII

Subcommittee chairmen may issue publicity and news releases on behalf of the subcommittee. Subcommittee chairmen shall exercise caution to insure that the publicity and news releases are not construed as applying to the council. All publicity, and news releases on behalf of the council, shall be made by the chairman of the council.

#### RULE XIII

Alteration, suspension or amendment of these rules may be by vote of nine members of the council.

### LEGISLATIVE FISCAL REVIEW

The Legislative Fiscal Review Committee is directed by law to "accumulate, compile, analyze, and furnish such information bearing upon the financial matters of the state as the legislative assembly, or the committee by its own initiative, shall determine relevant to issues of policy and questions of state-wide importance, including, but not limited to, investigation

and study of the possibilities of effecting economy and efficiency in state government. The committee may also conduct studies inquiring into the financial administration of state government and any of its agencies, including problems of assessment and collection of taxes, and all other matters pertaining to the fiscal functions of all agencies and branches of state government . . . .” To discharge its duties, the Committee may: (1) appoint special subcommittees composed of legislators, private citizens, or both; (2) estimate revenue from existing and proposed taxes; (3) review the executive budget and budget requests of each state agency and institution including proposals for capital construction; (4) make recommendations it deems desirable to the legislative assembly; and (5) assist legislative committees in compiling and analyzing financial information. The Committee has authority to hold hearings, administer oaths, and issue subpoenas. A fiscal analyst, and other necessary staff, are assigned to the Committee by the Legislative Council. Chapter 376, Laws of 1969. Members of the Fiscal Review Committee are shown below.

SENATE MEMBERS

William F. Hafferman,  
Vice-Chairman  
Henry S. Hibbard  
Neil J. Lynch  
Tom A. Selstad

HOUSE MEMBERS

J. O. Asbjornson,  
Chairman  
Albert E. Kosena  
Arthur E. Lund  
William E. Spahr,  
Secretary

\* \* \*

James Van Koten  
Fiscal Analyst

State Capitol  
Helena









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